

PATENT COOPERATION TREATY

PCT

INTERNATIONAL-TYPE SEARCH REPORT

(PCT Article 15.5)

National application No. 0202017-0	Country or Office of filing SE	Applicant's or agent's file reference BV-1025 SE
Filing date (day/month/year) 28 June 2002		(Earliest) Priority Date (day/month/year)
Applicant BIOVITRUM AB		

Date of request for international-type search 28 June 2002	International-type search request No. SE 02/00628
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This international-type search report has been prepared by this International Searching Authority and is transmitted to the applicant.

This international-type search report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☒ Certain claims were found unsearchable (See Box I).
2. ☐ Unity of invention is lacking (See Box II).
3. ☐ The international application contains disclosure of a nucleotide and/or amino acid sequence listing and the international-type search was carried out on the basis of the sequence listing

☐ filed with the international application.
☐ furnished by the applicant separately from the international application,

☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.

☐ transcribed by this Authority.

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international-type search report has not been established in respect of certain claims for the following reasons:

1. ☒ Claims No.: 13-17
because they relate to subject matter not required to be searched by this Authority, namely:
see next sheet*
2. ☒ Claims No.: 4, 9, 13 and 16
because they relate to parts of the national application that do not comply with the prescribed requirements to such an extent that no meaningful international-type search can be carried out, specifically:
see next sheet**

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international-type search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international-type search report covers only those claims for which fees were paid, specifically claims No.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international-type search report is restricted to the invention first mentioned in the claims, it is covered by claims No.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

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ITS/SE02/00628**Supplemental Box**
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of:

*

Claims 13-17 relate to a method of treatment of the human or animal body by surgery or by therapy/a diagnostic method practised on the human or animal body/ Rule 39.1(iv). Nevertheless, a search has been executed for these claims. The search has been based on the alleged effects of the compounds/compositions. However, the search does not cover the whole of the claimed scope (see Box 1.2).

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Present claims 4, 9, 13 and 16 relate to methods where compounds defined by reference to a desirable characteristic or property are used, namely the property of regulating, modulating, facilitating or sensitizing SMCE. The claims cover the use of all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and / or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible.

Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compounds by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the use of the exemplified substances 2-APB and MDL. The general aspect of using substances that are said to affect SMCE have also been included in the search.

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A. CLASSIFICATION OF SUBJECT MATTER

IPC7: G01N 33/50, A61P 3/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: G01N; A61K, A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EPO-INTERNAL, WPI DATA, BIOSIS, PAJ, MEDLINE, EMBASE, CHEM. ABS. DATA

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 9808979 A1 (THE REGENTS OF THE UNIVERSITY OF CALIFORNIA), 5 March 1998 (05.03.98), page 23, lines 28-29 and page 24, lines 1-2 --	13-17
A	The Journal of Biological Chemistry, Vol. 270, no. 43, October 1995, Pavel shashkin et al: "Effects of CGS 9343B (a Putative Calmodulin Antagonist) on Isolated Skeletal Muscle", page 25613 - page 25618 --	1-17
A	Proc. Natl. Acad. Sci., Vol. 96, March 1999, Joseph D. Bruton et al: "Insulin increases near-membrane but not global Ca ²⁺ in isolated skeletal muscle", page 3281 - page 3286 --	1-17

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international-type search

17 February 2003

Name and mailing address of the ISA/

Swedish Patent Office

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Date of mailing of the international-type search report

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>Journal of Physiology, Vol. 533, no. 1, 2001, Nagomi Kurebayashi et al: "Depletion of Ca²⁺ in the sarcoplasmic reticulum stimulates Ca²⁺ entry into mouse skeletal muscle fibres", page 185 - page 199</p> <p>-- -----</p>	1-17

INTERNATIONAL-TYPE SEARCH REPORT
Information on patent family members

30/12/02

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WO

9808979 A1

05/03/98

AU
US

4170597 A
5932417 A

19/03/98
03/08/99
